

The Examiner has rejected the claims (other than claims 26 and 28) based on the assumption that Kanbe would make it obvious to provide boron in a chromium underlayer in a concentration of about 1%. (See Office Action page 5.) This is incorrect for two reasons. First, Kanbe teaches away from a concentration of boron below 2%. (See col. 2, lines 52-53.) Second, as explained in the attached Declaration of Gerardo Bertero, one skilled in the art knows that small amounts of boron in chromium will not achieve Kanbe's stated purpose. Therefore, Kanbe does not teach or suggest providing a third underlayer with boron having a concentration less than 1%, nor does Kanbe teach or suggest a third underlayer substantially lacking Cr.

Kanbe col. 6, lines 50-55 state:

B may also be added thereto in order to make finer the grain size of the second underlayer. In this case, the grain size of the magnetic layer is also made finer, so that it is possible to further reduce the media noise. However the addition of B deteriorates the crystalline structure of the underlayer simultaneously with making finer the grain size of the underlayer. Therefore, B is desirably added in an amount of 15 at % or less.

It is improper to look at this passage in isolation, because the entirety of Kanbe must be taken into consideration, including the passage teaching away from small boron concentrations. W.L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 311 (Fed. Cir. 1983). Further, since one skilled in the art knows that small boron concentrations will not achieve Kanbe's desired goal, the outstanding rejection should be withdrawn. MPEP §2143.01(V).

As claims 1-24, 26, 28, 30, 33 and 35 distinguish over Wong and Kanbe,  
Applicants earnestly request that the Application be allowed. If the Examiner's next  
action is other than allowance, the Examiner is respectfully requested to telephone  
Applicants' attorney at (408) 732-9500.

Respectfully submitted,



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Pursuant to rule 37 CFR 1.8(a), the undersigned attorney hereby certifies that this  
document is being sent by facsimile to the United States Patent and Trademark Office on  
August 12, 2006 to 571-273-8300.

8/12/06

Date



Signature